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FILED

December 13, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF :

LINDA D. VAN PELT, M.D.
License No. MA04866400

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about June 19, 2006 Linda D. Van Pelt, M.D. ("Respondent") entered into a Consent Order ("Exhibit A") with the Department of Law and Public Safety, Office of Insurance Fraud Prosecutor ("OIFP"). More specifically, Respondent agreed that she did knowingly fail

disclose the fact that she continued to treat patients while collecting Total Disability and Business Overhead Expense Benefits from Unum Provident Corporation in violation of N.J.S.A. 17:33A-1 et seq. As a result, Respondent agreed to pay a civil administrative penalty in the amount of \$5,000.00 to be paid in installments and, further, acknowledged restitution in the amount of \$131,527.94 payable to UnumProvident Corporation.

As a result of the foregoing, the Board has determined that Respondent's violation of N.J.S.A. 17:33A-1, et seq., the New Jersey Insurance Fraud Prevention Act, provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(k).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that Respondent hereby waives any right to a hearing in this matter; and that Respondent's license to practice medicine and surgery in the State of New Jersey lapsed on June 30, 2007; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 13th day of December, 2007, ORDERED AND AGREED THAT:

1. Respondent shall be, and hereby is, publicly reprimanded;
2. Respondent shall pay a civil penalty in the amount of \$5,000.00 (Five Thousand Dollars), which shall be stayed so long as Respondent continues to meet her obligations under the Consent

Order with OIFP. In the event that Respondent fails to meet these obligations, then Respondent shall be required to immediately pay the civil penalty under this Consent Order; and

3. In the event Respondent seeks to resume the active practice of medicine and surgery in the State of New Jersey, she shall provide proof of full attendance and successful completion, to the Board's satisfaction, of a Board-approved ethics course, prior to any such practice.

STATE BOARD OF MEDICAL EXAMINERS

By:

Mario A. Criscito, M.D.
Mario A. Criscito, M.D.
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.

Linda D. Van Pelt M.D. 9/12/07
LINDA D. VAN PELT, M.D.

State of New Jersey
DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE INSURANCE FRAUD PROSECUTOR



CONSENT ORDER NO. 2005-23707-41

In the Matter of

Linda Van Pelt, M.D.

5073 Twilley Drive

Chincoteague Island, Virginia 23336-3542

Respondent.

CONSENT ORDER

This matter having been opened to the Office of the Insurance Fraud Prosecutor of the State of New Jersey, upon information indicating that Respondent, Linda Van Pelt, M.D., currently residing at 5073 Twilley Drive, Chincoteague Island, Virginia, having a date of birth of May 2, 1949, and driver's license number V0467 47364 55492, may have violated the provisions of *N.J.S.A.* 17:33A-4; and

WHEREAS, Respondent, Linda Van Pelt, M.D., did knowingly fail to disclose the fact that she continued to treat patients, while collecting Total Disability and Business Overhead Expense Benefits from UnumProvident Corporation (Total Disability Claim# 01-02622265-001 and Policy #0102622265, Business Overhead Expense Claim# 01-02614861 and Policy# 0102614861); and

WHEREAS, the above conduct constitutes a violation of *N.J.S.A.* 17:33A-1, *et seq.*, and any future violation of *N.J.S.A.* 17:33A-1, *et seq.* shall be considered to be a second offense; and

WHEREAS, Respondent, Linda Van Pelt, M.D., has been informed that she has a right to have this claim adjudicated in Superior Court in accordance with *N.J.S.A.* 17:33A-5, on the violation alleged herein before a civil administrative penalty is imposed; and should she be found to have violated the Fraud Act, the court shall also award court costs and reasonable attorney fees to the State; and

WHEREAS, Respondent, Linda Van Pelt, M.D., understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter; and

WHEREAS, Respondent, Linda Van Pelt, M.D., consents to pay a civil administrative penalty in the amount of \$5,000.00, by certified check, bank check or money order made payable to the "Commissioner, Department of Banking and Insurance" and acknowledges restitution in the amount of \$131,527.94 payable to UnumProvident Corporation. The civil administrative penalty shall be paid

EXHIBIT A

in accordance with the terms of the Installment Payment Agreement Addendum to Consent Order No. 05-23707-41, attached hereto and made a part of hereof. This signed order, the signed Installment Payment Agreement and the initial payment toward the civil administrative penalty shall be returned to Deputy Chief Investigator Sheila Brown at P.O. Box 094, Trenton, New Jersey 08625; and

WHEREAS, the penalties of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Insurance Fraud Prosecutor desire to terminate this matter without further hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS ON THIS 19th day of July, 2006,
ORDERED AND AGREED as follows:

1. A civil administrative penalty of \$5,000.00 is imposed on Respondent, Linda Van Pelt, M.D.
2. Respondent, Linda Van Pelt, M.D., consents to the entry of this final administrative order. Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (*N.J.S.A. 2A:58-10 et seq.*).
3. This Consent Order may be used against Respondent in any civil or administrative proceeding related to a violation of *N.J.S.A. 17:33A-1 et seq.*, including a license suspension or revocation proceeding.
4. Pursuant to *N.J.S.A. 17:33A-10(c)*, a copy of this Consent Order shall be provided to the appropriate licensing authority.

GRETA GOODEN BROWN
INSURANCE FRAUD PROSECUTOR

By:

Sheila Brown
Sheila Brown, Deputy Chief Investigator
Office of the Insurance Fraud Prosecutor

CONSENTED TO AS TO FORM, CONTENT
AND ENTRY OF ORDER:

Linda Van Pelt
Linda Van Pelt, M.D., Respondent

Witness: Douglas Graham, Investigator

Dated:

6-19-06

County/City of Hecomack
Commonwealth/State of Virginia
The foregoing instrument was subscribed and
sworn before me this 19 day of June,
2006 by
Linda Van Pelt
(name of person seeking acknowledgment)
Mary Alice Birk
Notary Public
My commission expires 11-30-06

Dated:

ADDENDUM TO CONSENT ORDER NO. 05-23707-41

INSTALLMENT PAYMENT AGREEMENT

1. Upon execution of the Consent Order, Respondent, Linda Van Pelt, MD, shall pay the amount of \$5,000.00 via an initial payment of \$200.00 followed by 24 monthly installment payments in the amount of \$200.00 commencing on July 1, 2006. These payments shall be by certified check, bank check or money order made payable to the Commissioner, Department of Banking and Insurance.
2. This signed order and initial payment are to be returned to Deputy Chief Investigator Sheila Brown at P.O. Box 094, Trenton, New Jersey 08625. All future installment payments are due by the 1st of each month and shall be mailed to: Commissioner, New Jersey Department of Banking and Insurance, P.O. Box 324, Trenton, NJ 08625. Consent Order No. 05-23707-41 shall be entered on all checks, money orders and communications.
3. If the payment is not received by the Commissioner within ten (10) days of the date the payment is due, the entire amount of \$5,000.00 imposed, less any payments theretofore made, is immediately due and owing, and the Commissioner may take such steps as she deems appropriate to collect the amount of the civil penalty, imposed by the Consent Order, plus interest, cost of collection and attorneys fees, which Respondent hereby agrees to pay. The Commissioner may refer the matter to the Department of Law and Public Safety to commence collection proceedings.

GRETA GOODEN BROWN
INSURANCE FRAUD PROSECUTOR

By:

Sheila Brown
Sheila Brown, Deputy Chief Investigator
Office of the Insurance Fraud Prosecutor

Dated: 7/19/06

Linda Van Pelt MD
Linda Van Pelt, MD, Respondent

Dated: 6-19-06

Witness: Douglas Graham, Investigator

Dated: _____

County/City of Accomac
Commonwealth/State of Virginia
The foregoing instrument was subscribed and
sworn before me this 19 day of June
2006 by
Linda Van Pelt
(name of person seeking acknowledgement)
Mary Alice Birch
Notary Public
My commission expires 11-30-06